

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 THEODORE STEVENS,

5 Plaintiff,

6 v.

7 ROMERO ARANAS et al.,

8 Defendants.
9

Case No. 2:17-cv-01373-APG-PAL

ORDER

10 **I. DISCUSSION**

11 On May 12, 2017, Theodore Stevens, a prisoner in the custody of the Nevada
12 Department of Corrections (“NDOC”), submitted a civil rights complaint pursuant to 42
13 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).
14 Stevens submitted an application to proceed *in forma pauperis* in his name. (See ECF
15 No. 1). Stevens also identified himself as the plaintiff in the complaint. (ECF No. 1-1 at
16 1, 9). However, after reading the complaint, it is clear that Stevens is suing on behalf of
17 inmate Jose Cruz Arizmendi regarding events that happened to Arizmendi. (*Id.* at 3-6).
18 In fact, Stevens explicitly states that he is “attorney-in-fact by and through power of
19 attorney” and is prosecuting the action “on behalf and in the interest of Arizmendi.” (*Id.*
20 at 6). On May 31, 2017, Arizmendi sent a letter updating his address with the Court and
21 stating that “the person who has [his] case is Stevens vs. Aranas et al., 2:17-cv-1373-
22 APG-PAL.” (ECF No. 3 at 1).

23 *Pro se* litigants have the right to plead and conduct their own cases personally.
24 See 28 U.S.C. § 1654. However, *pro se* litigants have no authority to represent anyone
25 other than themselves. See *Cato v. United States*, 70 F.3d 1103, 1105 n.1 (9th Cir. 1995);
26 *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

27 The Court dismisses this case, without prejudice, and directs Arizmendi to file his
28 own application to proceed *in forma pauperis* and his own complaint if he chooses to

1 pursue his claims. Stevens cannot represent Arizmendi in this action and does not have
2 the authority to sue on Arizmendi's behalf.

3 **II. CONCLUSION**

4 For the foregoing reasons, it is ordered that this case is dismissed in its entirety,
5 without prejudice.

6 It is further ordered that, if Jose Cruz Arizmendi would like to pursue the claims
7 alleged in the complaint, he may do so by filing his own application to proceed *in forma*
8 *pauperis* and his own complaint with this Court.

9 It is further ordered that the Clerk of the Court will send Jose Cruz Arizmendi¹ the
10 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
11 document entitled information and instructions for filing an *in forma pauperis* application.

12 It is further ordered that the Clerk of the Court will send to Jose Cruz Arizmendi the
13 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same and
14 a copy of the complaint (ECF No. 1-1).

15 It is further ordered that the Clerk of the Court will enter judgment accordingly.

16 Dated: June 27, 2017.

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18 UNITED STATES DISTRICT JUDGE
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¹ Jose Cruz Arizmendi's address is located in ECF No. 3.